

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Storer *et al.*

Confirmation No.: 2099

Serial No.: 10/735,408

Art Unit: 1623

Filed: December 12, 2003

Examiner: G. Krishnan

For: PROCESS FOR THE PRODUCTION OF
2'-BRANCHED NUCLEOSIDES

Attorney Docket No: 11874-027-999
(CAM: 417451-999027)
IDX 1024

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants hereby submit comments on the Examiner's statement of reasons for allowance ("the statement") of the above-referenced application.

First, the statement alleges that the rejection of claims 20, 36, 37 and 108-134 under 35 U.S.C. § 103 over BeMiller *et al.* was overcome based on the fact that the claimed process provides the same product as the process of BeMiller in a significantly shorter reaction time of about 22 hours with a higher yield. Applicants point out that the claimed process is not obvious over BeMiller for the additional reason that it provides a product that is easier to purify than that of the BeMiller process. BeMiller teaches purification of the desired product by procedures not practicable and prohibitively expensive for large scale syntheses and commercial production.

The Commissioner is hereby authorized to charge any required fee(s) to Jones Day Deposit Account No. 50-3013 (ref. no. 417451-999027).

Respectfully submitted,

Date:

May 12, 2009

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